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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,504	07/11/2003	Pierluigi Pugliese	30	3983
34871	7590	10/03/2005	EXAMINER	
AGERE SYSTEMS INC. 4 CONNELL DRIVE BERKELEY HEIGHTS, NJ 07922-2747				BLACKWELL, JAMES H
		ART UNIT		PAPER NUMBER
		2176		

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/617,504	PUGLIESE, PIERLUIGI	
	Examiner James H. Blackwell	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 July 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 11 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. This Office Action is in response to an original application filed 05/29/2003 with a priority date of **07/19/2002**.
2. Claims 1-11 are currently pending in the application. Claims 1, and 6 are independent claims.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 5 recites the limitation "text cursor". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Thacker (N. Thacker, "Javascript Dynamic Text Area Counter", Copyright 05/19/2000, downloaded from

*http://www.shiningstar.net/articles/javascript/dynamictextareacounter.asp?ID=AW*, pp. 1, 1A, 2, 3.

#### **In regard to independent Claim 1 (and similarly independent Claim 6),**

Thacker teaches *A method of indicating the amount of data, in particular of characters, which can be entered in an edit field of an electronic device for a common subsequent processing, comprising the step that the available capacity for entering data in the edit*

*field is graphically visualized in that it depicts an HTML textarea with a counter displaying graphically a countdown of the number of characters remaining (Pg. 1 of 3).*

**In regard to dependent Claim 2 (and similarly dependent Claims 5, and 7),**

Thacker teaches that *the look of a graphic element associated to the edit field is changed in functional dependency to the available remaining capacity* in that the numeric display decrements each time a character is entered (Pg. 1A of 3).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-4, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thacker in view of Jaaskelainen (U.S. Patent No. 5,301,348, filed 07/16/1992).

***In regard to dependent Claims 3-4 (and similarly dependent Claims 8-9),***

Thacker does not teach that *the graphic element is subdivided into two areas (or several sub-portions), wherein the percentages of the two areas are changed in functional dependency to the available capacity*. However, Jaaskelainen teaches a dynamic progress marker graphic icon where a percent character (%) indicates a percentage of a task completed (see Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Thacker and Jaaskelainen as both references relate to graphically depicting progress of a task.

Adding the teaching of Jaaskelainen provides the benefit of alternative means to visualize progress of a task.

8. Claims 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thacker in view of Marks (U.S. Patent No. 6,097,390, filed 04/04/1997).

**In regard to dependent Claim 10,** Thacker fails to teach that *the graphical element is a text cursor*. However, Marks teaches that an embodiment of their icon display can be extended to be used with a text-only display using a cursor to indicate progress of a task by gradually filling in sub-blocks within the cursor (Col. 4, lines 29-34). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Thacker and Marks as both inventions relate to progress indicators. Adding the teaching of Marks provides the benefit of displaying progress in a non-GUI, text-only display.

**In regard to dependent Claim 11,** Thacker fails to teach a *mobile phone, in particular based on a GSM-standard or UMTS-standard*. However, Marks teaches use of a cursor-based progress indicator that can be used on non-GUI, text-only based display devices (Col. 4, lines 29-34). It would have been obvious to one of ordinary skill in the art at the time of invention to conclude that an example of a non-GUI, text-only input display device is a mobile phone, many of which have text messaging and input capabilities in a text-only non-GUI mode, providing the benefit of indicating a maximum message length. It would have also been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Thacker and Marks as both inventions

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relate to progress indicators. Adding the teaching of Marks provides the benefit of displaying progress in a non-GUI, text-only display.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James H. Blackwell  
09/26/05

William S. Bashore  
WILLIAM BASHORE  
PRIMARY EXAMINER  
9/29/2005